

PENSIONS AND INCREASE OF PENSIONS FOR CERTAIN SOLDIERS
AND SAILORS OF WARS OTHER THAN THE CIVIL WAR, ETC.

MARCH 17, 1910.—Ordered to be printed.

Mr. SCOTT, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 7229.]

This bill is a substitute for the following Senate bills referred to said committee:

S. 2648. Nannie B. Butler.	S. 6068. Ellen Waters.
3654. John Eubanks.	6154. Elizabeth P. Bell.
3920. Alice L. Browne.	6169. Elizabeth Waring Kieffer.
5027. Frank Rogers.	6309. Anita C. Browne.
5272. Oliver J. Johnson.	6642. Elisha G. Ryon.
5426. William J. Wilson.	6758. Enoch W. Hurst.
5539. Caroline F. Pettingell.	6792. Albert Osteen.
5954. McKean Ormsby.	6973. William J. Sainter.

The passage of the bill is recommended.

The following are the facts ascertained by the committee concerning the case of each beneficiary in said bills and the conclusions of said committee as to the proper increase which should be granted:

S. 2648. Nannie B. Butler, the beneficiary in this case, is the widow of Matthew C. Butler, late major-general, United States Volunteers. General Butler was born of illustrious parentage, his ancestors being among the pioneers of South Carolina. He came from a family distinguished both in army and State. His great-grandfather, Capt. James Butler, was killed fighting for his country in the war of the American Revolution. His father, Dr. William Butler, was a surgeon in the United States Navy and was a brother of Pierce M. Butler, of South Carolina, who fell at the battle of Churubusco, in the Mexican war, while leading the famous Palmetto Regiment.

General Butler was himself distinguished both in civil and military life. In 1876 he was elected to the United States Senate from South Carolina, and served three terms, retiring with the esteem and affection of his comrades March 4, 1895. After his retirement from the Senate he engaged in the practice of law until the breaking out of

the war with Spain, when he was appointed by President McKinley a major-general of volunteers, his commission dating from May 22, 1898. During the war he commanded the First Division of the Second Army Corps, and was later a member of the commission to arrange for the evacuation of Cuba by the Spanish forces and attended faithfully to his arduous duties. He was honorably mustered out of the army February 16, 1899.

General Butler died at Columbia, S. C., April 14, 1909, in the seventy-fourth year of his age. His widow is now well advanced in years, in delicate health, and was left without means for her support. She has no status at the Pension Bureau, as it can not be proved that her distinguished husband's death was the result of wounds or disease incurred in the military service. Your committee, however, feel that the service rendered by General Butler entitles his widow to a just recognition and recommend that she be allowed a pension of \$50 per month, as has been frequently done for widows of other general officers of the army.

S. 3654. John Eubanks first enlisted in the Regular Army July 19, 1888, and was assigned to Troop F, Ninth Regiment U. S. Cavalry. He served in this organization continuously until October 18, 1896, when he was honorably discharged. He reenlisted January 8, 1897, in Troop B, Tenth United States Cavalry and served three years, being honorably discharged January 7, 1900. He reenlisted March 8, 1900, as a private in the Hospital Corps, United States Army, and served continuously until July 17, 1903, when he was finally discharged by way of favor upon his own application.

He took part with his regiment in the war with Spain and participated in the several battles before Santiago, in June and July, 1898. He was later in the Philippine Islands, and his service throughout was honest and faithful. He was in the army for nearly fifteen years.

He applied for pension November 28, 1903, shortly after his return to this country, alleging deafness from wound of head, received in battle at Santiago, Cuba, July 2, 1898, and also heart disease resulting from typhoid fever, which he contracted about the same time. His application was rejected for the reason that the Pension Bureau was not satisfied that his disabilities were of service origin.

The record evidence shows that claimant was wounded by a shell, as claimed by him, and he was sent to hospital where he was treated for some time. He was also treated at or about the same time and later for rheumatism, incurred in line of duty. It appears from the evidence that he was a man of good, sound physical health when he entered the army, and it seems proved that since his discharge he has been suffering from deafness and heart disease, which have rendered him incapable of performing full manual labor.

His first medical examination, taken April 20, 1904, considerably less than one year after his discharge, shows the existence of his disabilities; the aggregate ratings recommended by the examining surgeons being \$16 per month.

The testimony on file is quite voluminous and largely secured by special examiners of the Pension Bureau.

It seems that much of the difficulty that the claimant has had in proving his claim is due to his ignorance. The evidence, however,

justifies the belief that he is suffering from disabilities no doubt the result of wound and exposure and hardships of his long service in the army.

He is now about 46 years of age, and medical evidence filed with your committee shows that he is practically unable to perform manual labor. It is also shown that he is without means and is much in need of relief. He is reputed by his officers to have been a good soldier, faithful and attentive to his duties.

Conceding him the benefit of any doubt that may appear in his case, your committee are of opinion that he has equitably maintained his title to pension, and they recommend in his case a pension at the rate of \$16 per month.

S. 3920. Alice L. Browne is the widow of Edward H. Browne, late major, Second Regiment United States Infantry.

Major Browne was born March 10, 1854, and was appointed a cadet at the Military Academy September 1, 1875. On graduation in June, 1879, he was appointed to the Fourth Infantry, in which regiment he served continuously as second lieutenant, first lieutenant, and captain. He was promoted major, Second Infantry, March 28, 1902, and continued in active service until his death, March 23, 1909.

Major Browne participated in the expedition against the Utes, under Colonel Merritt, in 1879-80, and took part in the actions at El Caney and San Juan Hill on July 1, 2, and 3, 1898, and the attacks on Santiago from July 10 until the surrender, July 14, 1898. In the early part of 1899 he went to the Philippines with his regiment and was present in a number of engagements in Cavite Province during September and October of that year. He remained in the field, commanding a battalion during a large part of the time until after the termination of the insurrection, returning to the United States on recruiting duty in October, 1901. He joined the Second Infantry in May, 1904, at Fort Logan, Colo., and served with the regiment at that post, in the Philippines, and at Fort Thomas, Ky., until the date of his death.

Mrs. Browne, who was married to the deceased officer September 8, 1881, is now receiving a general-law pension of \$25 per month. She is now in the fifty-fourth year of her age, and it appears from the papers filed with this committee that she is left without property or means and is entirely dependent upon her pension and a little interest upon some life insurance money left her at her husband's death. There are many precedents for increasing the pensions of widows of officers who rendered long and honorable service in the army, and the facts stated above bring this case fully within such precedents. An increase of pension to \$35 per month is recommended, that being the rate allowed in similar cases.

S. 5027. Frank Rodgers, the claimant in this case, was a private in Troop L, Ninth Regiment U. S. Cavalry. He served in the Regular Army a term of five years, from February 5, 1872, to February 5, 1877, when he was honorably discharged. His application for a pension, filed November 26, 1900, is based on injury to right wrist, ankle, hip, and shoulder, and hernia of right side, claimed to have been sustained by his horse falling with him at Brownsville, Tex., in the summer of 1875, and again in August, 1876, at Fort Lyon, Colo.

The application stands denied at the Pension Bureau on the ground that the evidence fails to establish service origin.

The medical records on file in the War Department show that soldier was treated for measles, catarrh and other minor ills, and also for contusion of right side, right foot, sprained right hand, and sprain of right wrist, and contusion of right shoulder, by fall from horse. The soldier's last medical examination shows that he has hernia of right side, rated at \$10, and also injury to right side, right ankle and right wrist, rated at \$8.

It is established by the evidence that soldier had a severe fall from his horse in the summer of 1875, and in 1876, and it seems that his injuries date from that time, although the witnesses are somewhat indefinite in their recollection as to their precise character.

There is good testimony obtained by a special examiner of the Pension Bureau, showing that the soldier was sound when he entered the service, and that he has been afflicted since his discharge, rendering him partially unable to perform manual labor. There is one witness to the effect that he had hernia while in the service, and another witness that he has suffered from this disability from within a year or so after his discharge.

The claimant is unable to furnish better evidence, owing to lapse of time and the death of many of his comrades. He is now about 58 years of age and in needy circumstances. He is reputed to be thoroughly trustworthy and honest in his statements. He is reported by a special examiner of the bureau to be a man of good reputation, and the examiner further states that, in his judgment, the claim has merit, which, perhaps, the claimant is not fully able to establish.

Conceding him the benefit of the doubt, your committee are of opinion that the evidence is sufficient to raise a reasonable presumption that soldier's disabilities were incurred during his army service, and that he is equitably entitled to a pension of \$12 per month.

S. 5272. Oliver J. Johnson rendered service as a private soldier in Company D, Third Regiment Virginia Volunteer Infantry, during the war with Spain. He enlisted June 18, 1898, and was honorably discharged November 5, 1898.

In his application for pension, filed June 30, 1908, he alleged that at Camp Alger, Virginia, about July, 1898, he contracted typhoid fever, resulting in disease of lungs and kidneys, which first appeared about September, 1898. In a later affidavit he stated that it was typhoid pneumonia he had, and not typhoid fever; that he took a severe cold the latter part of August, 1898, which terminated in typhoid pneumonia about September 1, 1898; that he was sent home on furlough at that time, and did not return to regiment until about October 1, 1898; that the trouble of lungs and kidneys was present with the typhoid pneumonia, appearing about the same time, and he was treated by a physician, now dead, while on furlough, for typhoid pneumonia, disease of lungs, and disease of kidneys.

The application was medically rejected December 16, 1908, on the ground that a ratable disability from disease of lungs and kidneys was not shown from date of filing claim, rejection being based on a report of medical examination taken at Richmond, Va., November 4, 1908, the examining surgeons stating that no disability was found to warrant a rating. Subsequently upon a report of a later exami-

nation, dated at Petersburg, Va., October 6, 1909, showing disability from chronic kidney disease, the claim for that disability was reopened and again rejected on legal grounds October 29, 1909, it being held that service origin and continuance from discharge was not proved.

The muster rolls show claimant sick in quarters five days from July 20, 1898, and fourteen days from August 12, 1898, and also show him absent on furlough three days from July 29, 1898. The medical records report him as under treatment from July 16 to 21, 1898, for malarial fever, intermittent, and August 29 and 30, 1898, for constipation, both in line of duty. In his examination preliminary to discharge, claimant disclaimed any disability in service, and none is reported by his captain and the surgeon who then examined him.

Claimant avers that he was not treated in service for the disabilities alleged, having at once gone home on furlough, where he was treated by a physician who is now dead, for which reason he can not furnish the usual medical evidence required by the bureau. Several comrades testify as to incurrence and continuance. John W. Phillips swears that claimant contracted a severe cold at Camp Alger, Virginia, August 1, 1898, while in line of duty, followed by lung and kidney trouble, from which he has suffered ever since to such a degree that he has been incapacitated from doing manual labor for about three-fourths of the time. Comrade J. E. Kelley testifies in same terms. A. J. Craddock testifies he saw claimant at Camp Alger, Virginia, in August, 1898, and he had a severe cold, had cough which went into typhoid malaria fever, followed by lung and kidney disease, and had to fall out of line of duty twice; that about October, 1898, he returned from a furlough and complained of his lungs and kidneys, and had a cough, and complained of pain in his back over his kidneys, and pain in his lungs, and continued to complain of same until mustered out of service.

Neighbors also testify to continuance. Simon Fleming states that he has known claimant since his discharge from the army, and from what he knows personally and from the diagnosis of his physician claimant has evidently suffered very much from kidney and lung trouble, suffering from severe pain in his back and over his kidneys; that he has seen claimant and has known him intimately from the time of his discharge, and frequently he has been forced to quit work on account of his severe suffering. Another neighbor testifies in similar terms.

Claimant's mother testifies that up to the time of enlistment he was a sound man, so far as she knew, and that—

During the war he came home sick on a furlough. This was about the 1st of September, 1898. His furlough was for two weeks, and I wrote and they gave him a furlough for about two weeks longer. When he got here in Charlottesville he had a bad cough and complained of his lungs and kidneys and of pains in his back over the region of his kidneys. They said he had typhoid pneumonia. He was here in Charlottesville sick until the furlough was prolonged, and he went to Powhatan County, Va., where he was treated by Dr. William H. Henning. When he was mustered out he came here and was sick of the same sort of troubles. Ever since the war he has continued to suffer from the same troubles—with the kidneys and a bad cough—much worse at times, and is not able to do more than one-fourth of a man's work.

Dr. Thomas S. Henning testified October 8, 1908, that he was called to see soldier August 23, 1908, at which time he had symptoms of

having passed a renal calculus, and from observing his urine found it quite muddy, with some blood; that also upon a casual examination of his lungs found mucus râles and muco-purulent expectoration.

Doctor Henning again testified, in affidavit filed January 27, 1909, as follows:

I have only known Oliver J. Johnson since August 23, 1908, when I was called to see him and found him suffering from renal colic, muco-purulent expectoration. I examined Oliver J. Johnson January 15, 1909, and I found dullness on percussion in the lower lobe of right and left lung and an absence of normal vesicular murmur. I made a urinalysis from the specimen submitted; found it thick and containing a large quantity of blood; reaction feebly acid; specific gravity, 1.025. Heat and nitric acid showed no trace of albumen; fermentation test showed no sugar. The sputa submitted showed muco-purulent and blood, which I submitted to the State's bacteriologist, and his report, which I have in my possession, showed bacillus tuberculosis present. Kidneys show tenderness on pressure and an irritable bladder. Mr. Oliver J. Johnson has not been able to do anything since I have known him, which dates since August 23, 1908.

Claimant's first medical examination, made November 4, 1908, showed, as before stated, no disability from disease of lungs or kidneys, or from other cause. His second and last medical examination was made as late as October 6, 1909, and the report thereof is as follows:

No evidence of pulmonary tuberculosis. Heart: No enlargement or murmurs present. General condition anemic and much enfeebled; uses a cane to walk with, and locomotion much interfered with. Gives history of frequent bloody urination, of sweats, and progressive emaciation. There is considerable tenderness over the region of both kidneys, that of the right being much marked. Urine analysis by heat and nitric acid shows the presence in considerable quantity of albumen. Pus is also present in the urine; no sugar. Rating 12/18. We find the applicant's inability to earn a living due to a chronic kidney condition, incurred while in line of duty and not caused by vicious habits, and recommend a pension of \$12 per month.

It appears from the papers in the bureau that claimant is over 37 years of age, and that he is poor and in need, and it is believed that the evidence fairly shows a disability due to service, warranting the allowance of a pension of \$12 per month.

S. 5426. William J. Wilson, the claimant in this case, served in the army since the civil war. He has a record of long and honorable service, and was finally discharged August 6, 1894. He first enlisted October 15, 1867, in Company K, Seventh Regiment U. S. Infantry, in which he served continuously until November 6, 1880, when he was honorably discharged. He reenlisted October 20, 1885, in Company A, Twentieth Regiment U. S. Infantry, and was transferred as messenger to the general service of the United States Army and continued as such to the date of his final discharge. He was a good soldier, and his record is honorable in every respect. His claim for pension was filed April 2, 1896, and was based on sunstroke, malarial poisoning and resulting disease of kidneys. His application was finally rejected November 12, 1906, on the ground that a ratable disability from alleged causes was not shown to exist.

The medical records show that the soldier had treatment at various intervals during service for malaria, congestion of the brain, diarrhea, hemorrhoids, and other ailments originating in line of duty. A number of witnesses testify that soldier's health has been bad since discharge, and physicians state that he has been suffering from re-

sults of sunstroke, with its train of nervous symptoms, and has been unfit for hard manual labor.

Claimant's first medical examination, taken May 13, 1896, reports no ratable degree of disability, and on his second examination, March 4, 1903, he was rated at \$6 for sunstroke and results, \$4 for malaria, \$2 for general debility, and \$2 for heart disease. His last examination, taken July 11, 1906, was by a board of surgeons at St. Paul, Minn., who recommended a rating of \$6 for results of sunstroke, the examining surgeon stating that the claimant was a man in poor health and evidently suffered from result of disability incurred during his service in the army.

The claimant is a man about 63 years of age, in needy circumstances, and worthy and deserving of relief. It is evident from the papers on file that he can not perform full manual labor, and it seems clear that his impairment of health is due to cause originating during his long and active service in the army. It seems reasonably well established that claimant is entitled to a pension, and your committee recommend an allowance of \$12 per month.

S. 5539. Caroline F. Pettingell is the widow of John M. Pettingell, late first lieutenant, Company B, Eighth Regiment Massachusetts Volunteer Infantry, who served during the war with Spain from April 28, 1898, to April 28, 1899. On January 8, 1899, he was promoted captain Company C, same regiment, and held that rank until his discharge. The soldier claimed pension during his lifetime for impaired sight, which claim was left pending at his death.

His widow applied for pension February 25, 1904, and, upon testimony taken by a special examiner, the Pension Bureau rejected the claim November 25, 1905, upon the ground of insufficiency of testimony to show that soldier's fatal disease was due to his military service.

Soldier died June 24, 1901, about two years after his discharge, the cause of his death being cancer of rectum. It appears that he was sound and in good health when he was mustered in, and the evidence indicates that he suffered while in service from some obscure disease of stomach or bowels. His trouble was characterized by cramps, or pain in bowels, during which he suffered severely. This is testified to before the special examiner by soldier's captain and second lieutenant and by several comrades. The continuance of disability during the short period from discharge to death is shown by the testimony of those who were intimate with soldier and were closely associated with him. The soldier was a man of very reserved character, and those who knew him best say that it was his aim not to let any one know of his condition, and that he did not believe he had any serious trouble, and as a fact its character was not known until an autopsy was made immediately following his death. His last illness was of short duration, and was, perhaps, brought on by indiscretion of diet; but this seems to have been merely incidental, the proof being that there was abdominal trouble during his service and following his discharge. It also appears that there was some difference of opinion in the bureau regarding the merits of the claim, it having been at one time approved for admittance by a legal reviewer.

The widow was married to the soldier April 30, 1885, and was his wife while he was in the service. She is now about 48 years of age and is left poor and without means for her support. Your committee are of opinion that there is a fair and reasonable presumption of soldier's death being the result of disease contracted in the service, and they recommend that the widow be granted a pension of \$17 per month, which is the rate she would have received had her claim been allowed at the bureau.

S. 5954. McKean Ormsby, late second lieutenant Company B, Second Regiment Oregon Mounted Volunteers, served from February 18, 1856, to June 18, 1856, in the Oregon and Washington Territory Indian war. He also served from August 26, 1856, to October 17, 1856, as a private in the California Mounted Militia.

He is now receiving the pension of \$8 per month provided for the survivors of the early Indian wars. He is 76 years of age, and medical and other evidence filed with this committee show that he is senile and generally debilitated to such an extent that he can perform no manual labor or do anything toward earning a support. It is also shown that he has no property and no means of any kind and no source of income except his small pension.

On account of his advanced age, total disability, and extreme poverty your committee recommend increase of pension to \$16 per month, which is the amount allowed in similar cases.

S. 6068. Ellen Waters, the applicant, is the widow of David Waters, who served during the war with Spain as a private in Company A, Seventy-first Regiment New York Volunteer Infantry. He enlisted May 2, 1898, and was discharged November 15, 1898. He died August 19, 1906, the cause of his death being given as pleuropneumonia. The widow applied for pension August 29, 1906, but her application was rejected on the ground that the disease of which the soldier died was not traceable back to his army service.

It appears from the record and other evidence on file that during his term of service soldier contracted yellow fever and malarial fever, and was under treatment for same in hospital for some time. After his discharge and return home to New York he was so ill that he placed himself under the care of one Dr. J. C. Lewinsky, whose sworn affidavit to that effect is on file in the bureau.

A few weeks after his final visit to Doctor Lewinsky soldier was taken suddenly ill and went to Roosevelt Hospital, New York City, for treatment. The records of that institution show that he was there for one week suffering from malaria, Cuban and tropical fever. The evidence further shows that soldier continued in impaired health, suffering greatly from the effects of disease incurred in the army until his death. He became greatly reduced and was taken suddenly with pleuro-pneumonia, of which he shortly thereafter died. It is the opinion of his physician that the immediate cause of his death was attributable to his extremely debilitated condition, and other evidence on file tends to substantiate this fact.

The following is the sworn testimony of Dr. H. B. Coblentz, who treated soldier during the last two years of his life:

I treated him since May 15, 1904, for chronic dysentery, which was the result of an attack of yellow fever which he contracted in Cuba during the war with Spain, and he also suffered with a chronic malarial fever which he contracted

in Cuba at and about the same time. He called to see me about once a month and said that he could not eat any solid food and lived exclusively on a vegetable diet. He had chills followed with fever 104° F. and lost time from above sickness from office, his bowels very free four and five times daily. Languid and tired and had great distress in stomach and bowels, weakness and exhaustion, and always said he felt tired and his work was a great burden to him.

He was taken suddenly with a pleuro-pneumonia with effusion due to his weakened and run-down condition; he was not able to battle against disease and suffered severely when I began treating him at the hospital, George Washington University, 1335 H street NW., he became weaker and weaker, and I saw him on August 15, 1906, and treated him to August 19, 1906, until his death.

He was a healthy and strong man prior to his enlistment in army and was never sick, but the above diseases contracted in Cuba broke down his constitution so that he could never repair it.

The widow, who was married to the deceased soldier April 2, 1899, shortly after his discharge, is now left destitute and without means save such as she obtains by her own labor. She is in delicate health and is burdened with the care and support of her two minor children, the youngest of whom is but 6 years of age.

It is believed that the evidence on file in the case fully warrants the presumption that the soldier's death was in a large measure due to disease incurred during his service in the army, and that the widow is equitably entitled to a pension of \$12 per month, with the usual additional allowance of \$2 per month on account of the soldier's minor children, until they reach the age of 16 years.

S. 6154. Elizabeth P. Bell is the widow of Vivian G. Bell, who served during the war with Spain as first lieutenant Company H, Second Regiment U. S. Volunteer Infantry, from July 19, 1898, to June 22, 1899. He was with his regiment in Cuba and served faithfully, as the record shows, for about one year, when he was honorably discharged. It is shown by the evidence that Lieutenant Bell was sound and free from disability when he entered the army. Within a few months after his discharge he was attacked with rheumatism, induced no doubt from exposure in camp life while in Cuba. He suffered from repeated attacks of that disease, and died August 29, 1906, of heart trouble resulting therefrom.

The widow is denied pension at the bureau for the reason that she can not furnish the strict line of proof required by the bureau to show that soldier suffered from rheumatism before his discharge. It is highly probable, however, that the disease which came on him a short while after his return was due to his army service.

The widow, who is now about 32 years of age, was married to the deceased officer April 4, 1904. She is left without means and is burdened with the care and support of her two children under the age of 16 years. It is believed that the evidence on file warrants the allowance to her of a pension of \$17 per month, with the usual additional \$2 on account of each of the soldier's two children, that being the pension she would have received had her claim been allowed at the bureau.

S. 6169. Elizabeth W. Kieffer is the widow of Charles F. Kieffer, late major and surgeon, United States Army.

Doctor Kieffer was born December 22, 1869, and was appointed first lieutenant and assistant surgeon in the army October 31, 1891. He was promoted to captain and assistant surgeon October 31, 1896, and major and surgeon April 26, 1904. From September 9, 1899, to

June 30, 1901, he served as major and surgeon, Forty-eighth Regiment U. S. Volunteer Infantry.

Doctor Kieffer was placed on the retired list on account of disability June 24, 1908, and died December 30, 1908, about six months later. The claim of his widow has been rejected at the bureau on the ground that the officer's death was not due to any cause induced by his active military service.

It appears from the records that the officer appeared before a retiring board at San Francisco, Cal., in March, 1908, which board found that he was incapacitated for active service; that the cause of his disability was fibroid degeneration of the right lobe of the thyroid gland with pathologic lesion, following an attack of ophthalmic goiter; that his incapacity was permanent and originated about 1900, and that said incapacity was an accident of service.

Doctor Kieffer died December 30, 1908, at Cheyenne, Wyo., from an attack of appendicitis. It appears from the record that his health had become considerably impaired during the last year of his active service, and he lost considerably in flesh, being reduced from 190 to 125 pounds in weight. Accompanying the bill is the following affidavit of Dr. H. A. Hare, an eminent physician of Philadelphia:

This is to certify that prior to 1907 I had known Maj. Charles F. Kieffer for several years and had had him under medical observation at various times. His health was excellent and he was stout and well nourished. On June 19, 1907, he consulted me, on his return from Cuba, much emaciated, weighing only 128 pounds. He was feeble and anemic, his condition being an exaggerated form of the emaciation met with in many officers in the service. He had at least one severe malarial chill on July 7, 1907. In my opinion, his greatly impaired health was due to his service with the army of occupation in Cuba.

Mrs. Keiffer was married to the officer June 18, 1896. She is now about 39 years of age and is left without means for her support, and in order to make a living has been compelled to resort to the precarious occupation of keeping boarders.

The following letter from the Senator who introduced the bill has a bearing upon the case and explains the financial condition of the widow:

WASHINGTON, March 9, 1910.

MY DEAR SENATOR: I wish to invite attention to my bill (S. 6169) granting a pension to Mrs. Elizabeth W. Kieffer, widow of Charles F. Kieffer, late major and surgeon, Medical Corps, United States Army.

Mrs. Kieffer, I am reliably informed, is in urgent need of the relief proposed by my bill. Since her husband's death she has been making an earnest effort to support herself and her child by keeping boarders, and in this she has been greatly handicapped during the past year on account of serious illness.

May I ask that these conditions be taken into consideration, if proper to do so, in determining final action upon the bill for her relief?

Very sincerely, yours,

F. E. WARREN.

Hon. PORTER J. McCUMBER,
Committee on Pensions, United States Senate.

In view of the fact that the disabilities incurred by the officer while in the service were very serious, your committee believe that they are justified in giving the widow the benefit of the doubt and allow her a pension at the rate of \$25 per month, the amount she would have received had her husband's death been proven as due to his service.

S. 6309. Anita C. Browne is the widow of John A. Browne, late private, Thirty-sixth Company United States Coast Artillery, and

sergeant, Fourth Company U. S. Coast Artillery, who was pensioned by special act at the rate of \$30 per month during the second session of the Sixtieth Congress, the report from the Senate Committee on Pensions giving the facts in his case being as follows:

John A. Browne, the claimant, entered the army April 25, 1898, at the breaking out of the war with Spain. He served as corporal and sergeant in Company D, Second Regiment Tennessee Volunteer Infantry, and was honorably discharged February 8, 1899. After his discharge from the volunteer service he enlisted May 3, 1899, in the Regular Army. He served as private and non-commissioned officer in Batteries E and O of the Third Artillery, which in February, 1901, became the Thirty-sixth Company U. S. Coast Artillery. He was honorably discharged, after three years of continuous service, May 28, 1902. On June 5, 1902, a few days later, he again enlisted in the Regular Army and served as a sergeant in the Fourth Company United States Coast Artillery until June 4, 1905, when he was finally and honorably discharged from service. His total service in the army was nearly seven years. His claim for pension is based on disability arising from disease of lungs and malaria, which he claims to have incurred while on duty in the Philippine Islands and with the relief expedition to China at the time of the Boxer troubles. He also received wound of right arm and chest while on duty in the Philippines, but it does not appear from the medical examination that the wounds now cause him any disability.

The evidence on file shows that soldier is in a deplorable condition and is now in the last stage of tuberculosis. Your committee find good evidence on file obtained by special examiners of the bureau showing that his disability is no doubt chargeable to his military service. He was shown to have been a person of good health and in sound physical condition before he entered the army. Immediately after his discharge he was employed in the post-office at New Orleans, La., and witnesses who were with him at that time testified that the soldier was in impaired health, which continued from the time he left the army. Several comrades testified that soldier incurred a severe cold in the Chinese relief expedition, and was troubled considerably thereafter with a hacking cough. There is no question about the soldier's present condition, and the only difficulty has been in connecting it with the army. The physician who treated the soldier in February, 1908, says that, in his opinion, the disease was probably chronic ulcerative tuberculosis, and that it had existed for four or five years. The soldier's last medical examination, made April 2, 1908, showed a well-marked case of tuberculosis, for which the examining surgeon rated him at \$30 per month, he being then totally incapacitated for the performance of manual labor.

The Pension Bureau rejected the claim on the ground that the evidence on file failed to show that soldier's disability was chargeable to his military service. It appears, however, that there was a difference of opinion among the officials at the bureau regarding the merits of the claim, one reviewer holding that it should be admitted. The evidence submitted to the committee shows that soldier is confined to his bed and requires the constant attention of another person. He is undoubtedly in the last stage of his disease and it would seem but a question of but a very short time when the soldier will be beyond help. He is in poor shape financially and has no means of any kind and is dependent upon friends and relatives for his support. It is believed that the evidence reasonably shows that the soldier's disability originated during his service in the Philippines and in China and that he is equitably entitled to a pension. Your committee recommend in his case a rate of \$30 per month.

Soldier died March 27, 1909, of disease of lungs. The claim of his widow, filed at the bureau April 12, 1909, was rejected January 29, 1910, for the reason, as in the soldier's claim, the authorities at the Pension Bureau were not wholly satisfied with the evidence relative to the service origin of soldier's disability. Mrs. Browne was married to the deceased soldier February 23, 1905, while he was in the army. She is now about 25 years of age, and is left destitute and without means of any kind.

Inasmuch as Congress provided the soldier with a pension on the ground of reasonable presumption that his disability was the result

of his service in the army, your committee are of the opinion that it is but just and equitable that similar recognition should be accorded to the widow. They therefore recommend a pension of \$12 per month, which is the rate she would have received had her claim been allowed at the bureau.

S. 6642. Elisha G. Ryon served during the war with Spain as a private in Company K, First Regiment Kentucky Volunteer Infantry. He enlisted June 3, 1898, and was honorably mustered out February 24, 1899. In his claim for pension, filed September 1, 1903, he alleged that he incurred chronic diarrhea and rheumatism while doing duty at Porto Rico about November, 1898. He subsequently stated that he had recovered from diarrhea and was no longer disabled by that complaint. Notwithstanding this, however, it may be stated that the board of surgeons, before whom he was medically examined January 20, 1909, reported that claimant was suffering from diarrhea, for which a rating of \$10 was recommended. He was at the same time reported as being afflicted with rheumatism, which was also rated at \$10.

The bureau rejected the claim for rheumatism January 26, 1910, on the ground that service origin and continuance was not satisfactorily proved. Your committee, however, are not fully satisfied of the correctness of the action of the Pension Bureau.

There is good testimony on file to show that soldier incurred rheumatism during the latter part of his army service. Two witnesses of good standing and high repute testify positively to this effect.

It appears that the soldier was sound and in good health at the date of his enlistment and it is shown by very good evidence that he has suffered from rheumatism, principally affecting one shoulder, since his discharge from the army. He has medical testimony commencing in 1901 and 1902 and continuing from that day to the present time.

The soldier is now about 35 years of age. He has not always been a man of good habits, but it is reported that for several years past he has been a sober, moral, and upright man.

The committee are of opinion that the evidence fairly proves soldier's disability to have originated while he was in line of duty in the service. Without criticising the action of the bureau in rejecting the claim, we believe, however, that it is one of merit, and we believe he should have a pension of \$10 per month, which is the rate recommended for his disability by the board of examining surgeons.

S. 6758. Enoch W. Hurst, of Pinemount, Fla., served in the Florida Indian war from February 8, 1840, to August 9, 1840, and from December 9, 1840, to March 13, 1841, as a bugler in Captains Townsend's and Redding's companies of Florida Volunteers. He is now in receipt of pension of \$8 per month under the Indian war service act of July 27, 1892.

The papers in his case show that he is about 100 years old and that he is practically helpless from the infirmities of years and absolutely unable to do anything toward earning his support.

It further appears that he is destitute of property and depends entirely on the small pension for the support of himself and wife.

In such cases your committee usually grant substantial relief by doubling the pension, and increase to \$16 is therefore recommended.

S. 6792. Albert Osteen, of Fort White, Fla., served in the Seminole Indian war from July 27, 1857, to January 26, 1858, as a private in Captains Whitehead's and Hill's company, First Regiment Florida Mounted Volunteers. He is now receiving a pension of \$8 per month provided by the Indian war-service acts of July 27, 1892, and June 27, 1902.

The papers accompanying the bill show that he is over 70 years of age, infirm, and feeble, and utterly unable to perform manual labor or to earn a support. It further appears that he is needy, all his possessions being worth less than \$500. He is reputed as worthy and deserving of relief, and your committee recommend increase of pension to \$16 per month, which is the amount allowed in similar cases.

S. 6973. William J. Sainter, the claimant in this case, has a record of long and honorable service in the Regular Army. He enlisted June 25, 1880, and, with the exception of an interval of about one month, served continuously thereafter in the Sixth U. S. Infantry until May 14, 1895. He reenlisted January 21, 1901, in Company F, Fifteenth U. S. Infantry, and served continuously until September 26, 1907. He has six honorable discharges and two campaign badges for Indian and Philippine services. His claim for pension, filed October 13, 1907, shortly after his final discharge, is based on rheumatism and resulting disease of heart, contracted in California in the winter of 1902 and 1903 while serving in Company F, Fifteenth U. S. Infantry. The claim is rejected at the Pension Bureau on the ground that a ratable degree of disability from causes alleged is not shown to exist.

The hospital records show that soldier was treated for acute muscular rheumatism in April, 1891, and chronic articular rheumatism in April, 1905, both incurred in line of duty. He has twice been examined by different boards of bureau surgeons, once in December, 1907, and again in January, 1910. On his first examination he was recommended for rating of \$6 for disease of heart, and on his second and last examination he was reported as disabled by rheumatism, for which the examining surgeons recommended a rating of \$6 per month. No other disability was discovered on his last examination, except hernia of right side, which seems not to have been incurred during his army service.

The records of the Soldiers' Home in this city, in which the claimant is an inmate, show that he was treated at sick call October 31 and November 17, 1907, and again November 15, 1909, for rheumatism, and also that he received treatment at intervals for the same complaint without going on sick report.

Soldier is now well advanced in years, being about 58 years old. His service was long and faithful, and it seems from the record that he contracted rheumatism in line of duty, by reason of which he is now, to some extent, incapacitated for earning a support.

Conceding him the benefit of the doubt, your committee are of opinion that he is equitably entitled to pension, and they recommend a rate of \$10 per month.

